



WP(MD) No.10819 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.10819 of 2023

and

W.M.P(MD)No.9500 of 2023

N.Alwin Gnanamani

... Petitioner

Vs.

1.The Joint Commissioner (Administration)/
Additional Chief Secretary,
Commercial Tax Department,
Ezhilagam,
Chepauk,
Chennai.

2. The Joint Commissioner (Administration),
Commercial Tax Department,
A.R. Line Road,
Palayamkottai,
Tirunelveli - 2.



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3. The Assistant Commissioner,
Commercial Tax Department,
Check Post,
Puliyarai,
Tirunelveli - 627 813.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Seyalmurai No. Y3/28814/2016 dated 16.07.2019 and quash the same as illegal and consequently direct the respondents to appoint the petitioner on the compassionate ground in any of the post in their office.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.J.K.Jeyaseelan

Government Advocate

ORDER

The present writ petition has been filed challenging the impugned order dated 16.07.2019 of the 1st respondent and



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consequently direct the respondents to appoint the petitioner on the compassionate ground in any of the post in their office.

2. Heard Mr.J.Jeyakumaran, learned counsel for the petitioner and Mr.J.K.Jeyaseelan, learned Government Advocate appearing for the respondents.

3. The petitioner, who claims to be the son of the deceased Nelson Gunaraj, has filed this writ petition challenging the order of rejection on his application seeking compassionate appointment in view of the death of his father on 31.03.2004, while he was in service.

4. The application of the petitioner was rejected stating that the petitioner has been filed after a delay of 9 years and that the petitioner's mother had originally given an application seeking compassionate appointment for herself and that was rejected. The petitioner's mother has already filed an application seeking compassionate appointment to the petitioner on 21.05.2013 and that has been rejected on 23.09.2013 itself. Once again, the petitioner had filed



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another application on 26.03.2019. Once the application for compassionate appointment has been filed and rejected, the person aggrieved ought to have challenged the said order, if at all there are any grounds for challenging the same. The petitioner has filed a second application after the earlier application got rejected and that too after a delay of 9 years. The petitioner cannot raise a ground of delay alone as the reason for considering his application for condonation. Since the petitioner had raised the very same claim once again and the claim of the petitioner has been considered and rejected, I do not find any reason for interference.

5. Hence, the Writ Petition is **dismissed**. No costs.

Consequently, connected miscellaneous petition is closed.

12.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.10819 of 2023

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